

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David J. Kral,

Civil No. 15-3444 (DWF/FLN)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Warden Bruce Reiser, *et al.*,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated June 24, 2016. (Doc. No. 67.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Franklin L. Noel's June 24, 2016 Report and Recommendation (Doc. No. [67]) is **ADOPTED**.

2. Kral's Complaint (Doc. No. [1]) is **DISMISSED WITHOUT PREJUDICE**.

3. Kral's motion to compel (Doc. No. [5]) is **DENIED**.

4. Nelson's motion to dismiss (Doc. No. [30]) is **DENIED**.

5. State Defendants' motion to dismiss (Doc. No. [41]) is **DENIED**.
6. HCMC's motion for summary judgment (Doc. No. [54]) is **DENIED**.

LET JUDGEMENT BE ENTERED ACCORDINGLY.

Dated: July 20, 2016

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge